IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH NOVEMBER 2007 / 6TH AGRAHAYANA 1929

OP.No. 12934 of 2002(M)

PETITIONER:

JAYAPATHI SYAMALANGAN, AGED 45,
W/O. SYAMALANGAN, POOMANGALATHU HOUSE,
WAGAYIL ROAD, MARADU, ERNAKULAM DISTRICT.

BY ADV. SRI.P.K.RAVISANKAR
SRI.S.SACHITHANANDA PAI

RESPONDENTS:

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1. DEPUTY TAHSILDAR (R.R),
KANAYANNUR TALUK, ERNAKULAM.

2. DISTRICT REGISTRAR (GENERAL),
ERNAKULAM.

BY G.P. SMT.SMITHA SUKUMARAN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/11/2007, THE COURT ON 27/11/2007 DELIVERED THE FOLLOWING:

ORDER ON CMP NO.21914/2002 IN OP NO.12934/2002

DISMISSED:

27.11.2007 SD/-(C.N.RAMACHANDRAN NAIR, JUDGE.)

APPENDIX

PETITIONER'S EXHIBITS:

P1: COPY OF DEMAND NOTICE DT.30.4.2002 ISSUED BY R1.

TRUE COPY

PA TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

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O.P. No.12934 of 2002

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Dated this the 27th day of November, 2007.

JUDGMENT

The O.P. is filed five years back challenging recovery proceedings for recovery of differential stamp duty based on alleged undervaluation in the document. The petitioner's allegation of want of notice and proper adjudication remain unanswered by the respondents. In the circumstances, second respondent is directed to issue a fresh notice, hear the petitioner's objections and complete adjudication within two months from date of receipt of copy of this judgment. The petitioner will produce copy of this judgment before the second respondent and co-operate in the enquiry for completion of adjudication in time. Recovery proceedings will be kept in abeyance until fresh orders are issued. However, if petitioner does not co-operate with enquiry, recovery could be continued under the present orders after the period stated above. However, if fresh adjudication orders are issued as above, second respondent will recall impugned orders simultaneously.

The O.P. is disposed of as above.

C.N.RAMACHANDRAN NAIR
Judge

pms